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October 22, 2003

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BY HAND DELIVERY

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *WC Docket No. 02-359, In the Matter of the Petition of Cavalier Telephone, LLC
Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the
Jurisdiction of the Virginia State Corporation Commission Regarding
Interconnection Disputes with Verizon Virginia Inc. and for Arbitration*

Dear Ms. Dortch:

Cavalier Telephone, LLC ("Cavalier") respectfully submits the Surrebuttal
Testimony of Matthew R. Ashenden.

Please contact me at 804.422.4517 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen T. Perkins".

Stephen T. Perkins
Counsel for Petitioner

cc: Karen Zacharia, Esquire
Kimberly A. Newman, Esquire
Ms. Terri Natoli
Mr. Jeremy Miller
Ms. Deena Shetler

FILED OCT 22 2003 CH
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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OCT 22 2003

**Before the
Federal Communications Commission
Washington, D.C. 20554**

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Petition of Cavalier Telephone, LLC)	WC Docket No. 02-359
Pursuant to Section 252(e)(5) of the)	
Communications Act for Preemption)	
of the Jurisdiction of the Virginia State)	
Corporation Commission Regarding)	
Interconnection Disputes with Verizon)	
Virginia, Inc. and for Arbitration)	

**SURREBUTTAL TESTIMONY OF MATTHEW R. ASHENDEN
ON BEHALF OF CAVALIER TELEPHONE, LLC**

CAVALIER EXHIBIT C25

October 20, 2003

1 **Q. Have you reviewed the surrebuttal testimony of Julius M. Griles, Jr., or Jay**
2 **Griles, dated October 20, 2003, addressing your testimony on Issue C16 concerning**
3 **an improved pole attachment process?**

4 A. Yes.

5 **Q. Do you agree with Mr. Griles' statement on page 1, lines 19-20, that Cavalier**
6 **has not submitted any pole attachment applications to Virginia Power since**
7 **execution of the settlement agreement attached as Exhibit MA-9 to your rebuttal**
8 **testimony?**

9 A. I agree with it only as far as it goes. Before that settlement agreement was
10 executed on January 2, 2003, Cavalier had submitted a large number of pole attachment
11 applications to both Virginia Power and Verizon. In fact, as of January 2, 2003,
12 construction efforts had not yet commenced for several of the pole attachment
13 applications submitted to Virginia Power before that settlement agreement was executed.
14 Also, as a result of recent improvements in the telecommunications market, Cavalier is
15 seeing some activity that I expect to result in a resumption of permit applications in the
16 near future.

17 **Q. What do you recall about the response to Virginia Power's efforts to**
18 **implement an improved pole-attachment process, as discussed by Mr. Griles on**
19 **page 2, lines 1-7, of his surrebuttal testimony?**

20 A. Mr. Griles' statements raise a number of questions that I would like to have
21 answered. For example, I am interested in whether Mr. Griles or his staff discussed this
22 topic with Verizon following an earlier agreement reached in the wake of the federal
23 court decision. I would also be interested in knowing whether Verizon showed any

1 interest in improving the pole make-ready process, in whether Verizon was the least
2 willing to consider the single contractor approach for make-ready engineering, and in
3 whether Verizon was the least willing to consider the single contract approach for make-
4 ready construction (with the exception of a very limited window in the August 2001
5 timeframe).

6 In addition to these questions, I would be interested in knowing, based on Mr.
7 Griles' discussions, whether Verizon was the largest attaching entity to voice opposition
8 to the single contractor approach, and in hearing Mr. Griles' opinion about whether it
9 would have been easier for Virginia Power to facilitate an improved process as defined in
10 the agreement, if Verizon had agreed to support the single contractor approach.

11 Cavalier has a limited amount of directly acquired information about these issues.
12 That is because Virginia Power, as pole owner and an entity supposedly not in direct
13 competition with Cavalier or the other attachers, agreed to be the point of direct contact
14 with other attachers, instead of Cavalier taking that role.

15 Based on the communications that I had with Virginia Power during the
16 timeframe following the earlier agreement, I do not recall hearing back from Mr. Griles
17 or anyone else that any single attaching entity besides Verizon had dug in its heels and
18 refused to participate at all in an improved process or a single-contractor process.

19 That is not to say that certain issues did not come up. For example, Cox Cable
20 expressed a procedural concern that Mr. Griles mentioned to me in a voice-mail message
21 on January 30, 2002, and noted in a follow-up e-mail, but I noted in a February 18, 2002
22 e-mail to Mr. Griles that I would follow up with Cox to resolve this issue. (A copy of
23 that e-mail is included as part of Exhibit "MA-11" to my surrebuttal testimony, which

1 consists of a summary timeline and a set of related e-mails.) I do not know of any further
2 communications between Cox and Mr. Griles (or his staff) to indicate that this issue was
3 not resolved.

4 As another example, there was a concern about how the process would work if the
5 contractor could not make the attachment as engineered, as noted in a January 2, 2002 e-
6 mail, but I made a recommendation about how to handle such concerns in a follow-up e-
7 mail on that same day. (A copy of that e-mail is also included as part of Exhibit "MA-
8 11"). Again, I do not know of any further communications that would indicate that this
9 issue was not resolved.

10 Other than these communications, I do not recall any specific concerns raised by
11 other attachers, and it was my impression that no attacher except Verizon completely
12 refused to consider, or participate in, an improved process for engineering and
13 construction.

14 **Q. Did Virginia Power identify to Cavalier any other specific concerns noted by**
15 **other attachers, or the lack of responsiveness by other attachers, as described by**
16 **Mr. Griles on page 2, lines 10-15 of his surrebuttal testimony?**

17 A. I do not recall that Virginia Power ever identified to Cavalier a specific concern
18 from any attacher about a contractor not being on that attacher's approved list of
19 contractors. The general concern with any attacher preferring to use its own employees
20 or contractors on a specific make-ready task was exactly what the improved process was
21 designed to overcome. I do not recall any particular subset of make-ready tasks being
22 identified by Virginia Power as not consistent with an improved process or single-
23 contractor process. However, it is hard to evaluate Mr. Griles' very general statements,

1 without any documents to substantiate, about whether “some” attachers may have wanted
2 to perform “particular jobs” or might have “preferred” their own contractors. What is
3 notable to me is the fact that Mr. Griles does not point to a single attacher, besides
4 Verizon, that completely refused to participate in an improved process or a single-
5 contractor process.

6 Moreover, Mr. Griles does not identify which attachers reportedly “never returned
7 phone calls” (on page 2, lines 14-15) or “never returned my later calls” (on page 2, line
8 5). The non-responsive “attachers” may have been Verizon, may have been defunct or
9 bankrupt entities, or may have been entities with a very small number of attachments. In
10 fact, I would expect that any attaching entities might soon find that their facilities were
11 rearranged by Virginia Power or a contractor in the ordinary course of business (apart
12 from any fiber builds by Cavalier) if they did not return any phone calls or other attempts
13 at contact by Virginia Power’s Manager – Joint Use.

14 As one final note, I would add that Cavalier’s proposed contract language does
15 not require the agreement of any attachers other than Verizon, as pole owner. Section
16 16.2.1 of Cavalier’s proposed language, which Mr. Griles did not address, simply
17 requires Verizon to “use its best efforts to seek the concurrent of other attachers to
18 participate in, and agree to, the new permitting process.”

19 **Q. Do you recall Virginia Power identifying to Cavalier the type of “liability”**
20 **and “reliability” concerns by other attachers, as described on pages 2-3 of Mr.**
21 **Griles’ surrebuttal testimony?**

22 A. No. Concerns with the “manner in which work is performed” can be handled
23 through careful selection of the make-ready contractor, the posting of any appropriate

1 bond(s) by that contractor, requirements of insurance imposed on that contractor or
2 Cavalier as the attaching entity, or the type of indemnification addressed by § 16.2.3 of
3 Cavalier's proposed interconnection language. These concerns are also addressed under
4 the indemnification provisions set forth in section XIV (specifically, ¶¶ 14.3, 14.4, and
5 14.5), and in the insurance provisions set forth in section XV, of Verizon's proposed
6 outside plant license agreement with Cavalier (a copy of which was attached to Alan
7 Young's September 23, 2003 testimony filed in this proceeding).

8 The risk of any "sub-standard engineering work and/or construction that may be
9 found during a post-inspection" (on page 2, lines 20-21 of Mr. Griles' surrebuttal) can be
10 handled by similar means, and some risk of this type exists even when a CLEC is
11 performing its own make-ready engineering and construction work. The process is not
12 perfect, and as Mr. Griles indicates, any imperfections can ordinarily be addressed during
13 a post-inspection, which Verizon can require at Cavalier's cost under section XI of its
14 proposed outside plant license agreement with Cavalier (a copy of which was attached to
15 Alan Young's September 23, 2003 testimony filed in this proceeding).

16 With respect to Mr. Griles' comments about "hold[ing] a service provider
17 responsible for service interruptions, [such that] the facility owner retains full
18 responsibility for such occurrences" (on page 3, lines 3-5 of Mr. Griles' surrebuttal), my
19 experience is that pole owners disavow any such liability. I have not seen any examples
20 provided by Verizon or Mr. Griles that would lead me to believe otherwise, such that
21 Verizon, as the "facility owner," could be held responsible for any service interruptions
22 caused to other attachers. In fact, Verizon has disclaimed any such liability to Cavalier in
23 section XIV (specifically, in the last sentence of § 14.1) of its proposed outside plant

1 license agreement with Cavalier (a copy of which was attached to Alan Young's
2 September 23, 2003 testimony filed in this proceeding).

3 With respect to risk and pricing, Cavalier's expectation and experience—
4 including its experience with the Media One contract attached as Exhibit MA-10 to my
5 rebuttal testimony—has been that a single make-ready contractor undertaking one round
6 of make-ready work is more efficient, and less expensive, than requiring multiple make-
7 ready contractors to undertake two or more rounds of make-ready work. I disagree with
8 Mr. Griles' description of how prices can climb because make-ready work is so
9 "extremely complex," at least as a general matter. In more than half of the make-ready
10 construction scenarios that Cavalier encounters, the make-ready work is no more
11 complex than loosening a nut, removing a bolt, drilling a new hole at a predefined
12 position, and reattaching a third party's fiber at that new, predefined position, using the
13 same bolt and nut.

14 The current process is akin to a different entity owning each of the five lug nuts
15 on your car tire. Using the current process, changing a flat would consist of each lug nut
16 owner traveling to your car to review the lug nut, followed by each lug nut owner
17 returning at separate, uncoordinated times to remove one of the lug nuts, followed by
18 each lug nut owner returning to inspect the lug nut installation. Several weeks later, your
19 flat would be fixed.

20 Finally, I disagree with Mr. Griles' conclusion about the balance of risk and
21 savings. As I explained above, Cavalier's proposed language in § 16.2 of the
22 interconnection agreement, coupled with Verizon's outside plant license agreement, does
23 shift to Cavalier much or all of the risk of an improved make-ready process. Mr. Griles is

1 correct that the aim of the improved process is to pass through any savings to the new
2 attacher. That is the whole point of Cavalier's proposal: to make the process more
3 efficient and less expensive to a new attacher like Cavalier, without compromising any
4 legitimate safety and engineering concerns.

5 **Q. Do you agree with Mr. Griles' statements about trials in northern and**
6 **eastern Virginia?**

7 A. No. My recollection is that Verizon was the main obstacle in northern Virginia. I
8 cannot say that every other attacher agreed to the unqualified and unrestricted use of this
9 process in northern Virginia. However, Virginia Power was generally agreeable to the
10 process, and if the other major pole owner, Verizon, had been agreeable to it, then my
11 expectation was that it would have moved forward, perhaps with some accommodation to
12 any third-party attachers who had specific concerns with any segments of a build.

13 In eastern Virginia, the trial did move forward even without Verizon, as described
14 in the timeline attached as Exhibit "MA-11" to my surrebuttal testimony, and in the
15 supporting e-mails from Mr. Griles and members of his group, which are attached as part
16 of that exhibit. In particular, the e-mails between March 2002 and May 2002, addressing
17 certain make-ready issues, culminated in approval to attach on May 6, 2002. My
18 recollection is that these attachments involved new Cavalier facilities, not make-ready
19 issues on a run of fiber-optic cable already installed by Cavalier.

20 **Q. Do you have any other comments about Mr. Griles' testimony?**

21 A. Yes. Virginia Power and Verizon, as the two largest utility pole owners, seem
22 very willing to engage in joint discussions about why an improved process is not
23 workable, and submitting secretly negotiated testimony to block Cavalier's efforts to

1 improve the process. Those types of joint discussions and actions seem designed solely
2 to maintain inefficient procedures and higher make-ready prices paid to Virginia Power
3 and Verizon. These same two pole owners do not seem nearly as willing to try to improve
4 the process for companies like Cavalier who need access to their poles to build new
5 telecommunications facilities. Now, instead of feeling like David facing Goliath,
6 Cavalier feels like David facing Goliath and his bigger brother.

7

1 **Declaration of Matthew R. Ashenden**

2

3 I declare under penalty of perjury that I have reviewed the foregoing testimony

4 and the it is true and accurate to the best of my knowledge.

5

6 Executed this 22nd day of October, 2003.

7

8 

9 Matthew R. Ashenden

10

Time Line for Using a Single Contractor – Eastern (Tidewater)

- 07/10/2001 Received "Status" e-mail from Jay. Noted Cavalier established escrow in Eastern (Tidewater) as agreed.
- 08/06/2001 Received "Status Update" e-mail from Jay. It noted issues in Eastern regarding Cox and KMC and their concern with attachments made during the Temp Res Order (TRO).
- 08/09/2001 My e-mail requested clarification from Jay about if there were other discussions about a single contractor process with Cox and KMC or if it was just about attachments made during the TRO.
- 08/10/2001 Jay responded.
- "MFN is very interested and is willing at this point to participate "
 - "Comcast is open to the concept of a single contractor."
 - "Verizon is not interested in participating from an engineering prospective."
..... "There may be a window of opportunity on the construction side however that coordination will be very complicated due to contractor and labor issues."
 - "MCI Worldcom discussed the issue with me over the phone and will discuss it internally next week and get back with me once they have reviewed it."
 - "Cox has reorganized and I am awaiting the phone number of the proper contact."
- He also clarified that the concerns from "Cox and KMC dealt directly with the issues that exist as a result of the installations during the time frame covered by the TRO."
- 08/17/2001 Phone call between Kelly and Dan Heinze where they reviewed our discussions about Cox and KMC reviewing the call outs and having a single contractor do the Make Ready.
- E-mail from me to Jay clarifying again that Cox and KMC only had concerns about the TRO attachments and not the process as it applies to the areas to be constructed. At this time I reiterated the vision to have a process that eliminates multiple trips by multiple parties.
- Also asked Jay to discuss Vz's refusal to participate in our process.
- 10/01/2001 Had not received an update for some time. I sent an e-mail asking the status of KMC and Cox accepting the process and position on completing the remaining construction.
- 10/03/2001 Jay responded that Cox was "fashioning an agreement to cover the work..."



- 01/02/2002 Jay called to discuss the concern that existing attachers had about what would happen in the field if the single contractor could not define make-ready and identify an attachment option.
- I responded with a proposed process that would allow Cavalier to review the issue and then request the appropriate parties to participate in a meeting to come to a solution.
- 01/14/2002 Next communications on this subject was from Jay stating that "We are moving forward in our efforts to release the section..."
- 01/22/2002 Cost Letter received from Va Power for M/R in Eastern.
- 01/30/2002 Cavalier acknowledged receipt of cost letter. I also note that I will address Cox's issues with them when the M/R is approved. Their issues were 1) what happens in the field when the M/R contractor cannot find a solution and 2) how they will come to terms with feeling comfortable with the M/ R callouts.
- 02/01/2002 Cavalier received spreadsheets defining M/R in Va Power's old format.
- 02/18/2002 Cavalier paid M/R, but noted M/R spreadsheets were not in the format that we all agreed upon I note that this format is critical in Cox being comfortable with the M/R call outs.

Several e-mails in March and April referencing a Peninsula Build – Note delays because of sickness and rain. No other issues.

- 05/06/2002 Received approved permits in the approved fashion. Presumably this had been converted to the format and all attachers accepted the process since this e-mail was to inform us that the effort was complete and we could attach.

I sent an e-mail to Cavalier's OSP Department authorizing them to proceed.

Perkins, Stephen

From: Ashenden, Matt
Sent: Monday, May 06, 2002 2:39 PM
To: 'Kelly_Mansfield@dom.com'
Subject: RE: Cavalier Permits

Kelly,

In summary, I understand that the following permits are ready for Cavalier's attachments:

NNS-86-99-2,
NNS-86-99-3,
NNS-86-99-4,
NNS-86-99-5,
NNS-86-99-6,
NNS 86-99-10,

and Pole CJ64 on permit NNS-86-99-7 needs to be addressed before we can attach on that pole although the rest of the permit is ready. I will have our engineer review this pole and take the necessary action.

What about permits NNS-86-99-8, NNS-86-99-9? These were not attached to your e-mail but are a part of the segment from Huntington to Harpersville that we have been discussing.

Please let me know.

Matt R. Ashenden

-----Original Message-----

From: Kelly_Mansfield@dom.com [mailto:Kelly_Mansfield@dom.com]
Sent: Monday, May 06, 2002 12:37 PM
To: mashenden@cavtel.com; bud.swanson@cox.com
Cc: Jay_Griles@dom.com
Subject: Cavalier Permits

Please find attached recently completed Cavalier Peninsula permits. Dominion Virginia Power permit numbers: NNS869902, NNS869903, NNS869904, NNS869905, NNS869906, NNS869907 and NNS869910. Field conditions change constantly, all poles are released to Cavalier with the exception of CJ64 on NNS869907. Please note on the spread sheets (construction and inspection tabs) the following color codes for your convenience:

Yellow	Cavalier UG
Red	Cavalier can not attach until make-ready is complete
Green	Additional make-ready @ Cavalier expense
Blue	Additional make-ready @ Other's expense
Purple	Approved Extension Arm Location

Guys and Anchors should also be installed as noted on the spreadsheets.

As-built documentation from Dominion Virginia Power field crew will follow by mail. If you have any questions, please contact me at (757) 857-2652

(See attached file: Pole Attachment Permit NNS 86-99-7.xls) (See attached

file: Pole Attachment Permit NNS 86-99-10.xls) (See attached file: Pole Attachment Permit NNS 86-99-2.xls) (See attached file: Pole Attachment Permit NNS 86-99-3.xls) (See attached file: Pole Attachment Permit NNS 86-99-4.xls) (See attached file: Pole Attachment Permit NNS 86-99-5.xls) (See attached file: Pole Attachment Permit NNS 86-99-06.xls)

Sincerely,

Kelly L. Mansfield
JU Administrator

Perkins, Stephen

From: Kelly_Mansfield@dom.com
Sent: Monday, May 06, 2002 12:37 PM
To: Ashenden, Matt; bud.swanson@cox.com
Cc: Jay_Griles@dom.com
Subject: Cavalier Permits



Pole Attachment
Permit NNS 86-...



Pole Attachment
Permit NNS 86-...



Pole Attachment
Permit NNS 86-...



Pole Attachment
Permit NNS 86-...



Pole Attachment
Permit NNS 86-...



Pole Attachment
Permit NNS 86-...



Pole Attachment
Permit NNS 86-...

Please

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Dominion Virginia Power permit numbers: NNS869902, NNS869903,
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NNS869905, NNS869906, NNS869907 and NNS869910. Field conditions change
constantly, all poles are released to Cavalier with the exception of
CJ64
on NNS869907. Please note on the spread sheets (construction and
inspection tabs) the following color codes for your convenience:

Yellow	Cavalier UG
Red	Cavalier can not attach until make-ready is complete
Green	Additional make-ready @ Cavalier expense
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Purple	Approved Extension Arm Location

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(See attached file: Pole Attachment Permit NNS 86-99-7.xls) (See attached
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Permit NNS 86-99-3.xls) (See attached file: Pole Attachment Permit NNS
86-99-4.xls) (See attached file: Pole Attachment Permit NNS
86-99-5.xls) (See
attached file: Pole Attachment Permit NNS 86-99-06.xls)

Sincerely,

Kelly L. Mansfield
JU Administrator

Perkins, Stephen

From: Jay_Griles@dom.com
Sent: Tuesday, April 23, 2002 9:37 AM
To: Kelly_Mansfield@dom.com
Cc: Ashenden, Matt
Subject: RE: Cavalier Peninsula Build

Kelly,
Please provide Matt the information he is requesting below.

J

Jay Griles
Project Manager - Joint Use
Tel. 804-771-4240
e-mail Jay_Griles@dom.com
----- Forwarded by Jay Griles/COMMOPS/VANCPower on 04/23/02 09:35 AM

"Ashenden,
Matt"
<Jay_Griles@dom.com>
<mashenden@cav
tel.com>
Peninsula Build

To: "'Jay_Griles@dom.com'"
cc:
Subject: RE: Cavalier

04/15/02 10:44

AM

Jay,

In follow-up to our conversation on Friday, I have checked and I do not seem to have an e-mail regarding the make-ready completion and the couple of pole issues. I would appreciate it if you could send it.

Thanks.

Matt R. Ashenden

-----Original Message-----

From: Jay_Griles@dom.com [mailto:Jay_Griles@dom.com]
Sent: Wednesday, March 20, 2002 1:41 PM
To: mashenden@cavtel.com
Subject: Cavalier Peninsula Build

Matt,
FYI, The lineman scheduled to perform this work is sick and the

weather has not cooperated. As stated below we plan to start Monday.
Call
if you have questions.

J

Jay Griles
Project Manager - Joint Use
Tel. 804-771-4240
e-mail Jay_Griles@dom.com
----- Forwarded by Jay Griles/COMMOPS/VANCPower on 03/20/02 01:38 PM

Kelly

Mansfield

To: <bud.swanson@cox.com>

cc: <Dan.Hardman@cox.com> ,

Cheryl Hunt/COMMOPS/VANCPower@VANCPower,
03/20/02

Jay

Griles/COMMOPS/VANCPower@VANCPower
11:47 AM

Subject: Cavalier Peninsula

Build

Bud,

Due to uncontrollable circumstances, the Hampton crew will not be working on the above project today. We will make a fresh start on Monday March 25th at 0630. The same schedule as last Monday will apply. If you have any questions, please call me.
Thanks

Perkins, Stephen

From: Ashenden, Matt
Sent: Monday, April 15, 2002 10:45 AM
To: 'Jay_Griles@dom.com'
Subject: RE: Cavalier Peninsula Build

Jay,

In follow-up to our conversation on Friday, I have checked and I do not seem to have an e-mail regarding the make-ready completion and the couple of Cox pole issues. I would appreciate it if you could send it.

Thanks.

Matt R. Ashenden

-----Original Message-----

From: Jay_Griles@dom.com [mailto:Jay_Griles@dom.com]
Sent: Wednesday, March 20, 2002 1:41 PM
To: mashenden@cavtel.com
Subject: Cavalier Peninsula Build

Matt,

FYI, The lineman scheduled to perform this work is sick and the weather has not cooperated. As stated below we plan to start Monday. Call if you have questions.

J

Jay Griles
Project Manager - Joint Use
Tel. 804-771-4240
e-mail Jay_Griles@dom.com
----- Forwarded by Jay Griles/COMMOPS/VANCPower on 03/20/02 01:38 PM

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Mansfield

To: <bud.swanson@cox.com>

cc: <Dan.Hardman@cox.com>,

Cheryl Hunt/COMMOPS/VANCPower@VANCPower,
03/20/02

Jay

Griles/COMMOPS/VANCPower@VANCPower
11:47 AM

Subject: Cavalier Peninsula

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Thanks

Perkins, Stephen

From: Jay_Griles@dom.com
Sent: Wednesday, March 20, 2002 1:41 PM
To: Ashenden, Matt
Subject: Cavalier Peninsula Build

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Project Manager - Joint Use
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e-mail Jay_Griles@dom.com
----- Forwarded by Jay Griles/COMMOPS/VANCPower on 03/20/02 01:38 PM

Kelly

Mansfield

To: <bud.swanson@cox.com>

cc. <Dan.Hardman@cox.com>,

Cheryl Hunt/COMMOPS/VANCPower@VANCPower,
03/20/02

Jay

Griles/COMMOPS/VANCPower@VANCPower
11:47 AM

Subject. Cavalier Peninsula

Build

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Thanks

Perkins, Stephen

From: Kelly_Mansfield@dom.com
Sent: Monday, March 18, 2002 9:11 AM
To: Ashenden, Matt
Cc: Jay_Griles@dom.com
Subject: Cavalier Peninsula Build

Matt,

Our construction start has been delayed due to rain today. We will make another try tomorrow. I will keep you updated. Thank you

Perkins, Stephen

From: Ashenden, Matt
Sent: Monday, February 18, 2002 12:46 PM
To: 'kelly_mansfield@vapower.com'
Cc: Heinze, Daniel; 'Jay_Griles@dom.com'; Sims, Larry
Subject: RE: Fiber Build - Peninsula

Importance: High



Pole Attachment
Permit 0001.xl...

Kelly,

As requested in your letter to Dan Heinze, dated January 22, 2002, I am returning a signed copy of the Make-Ready Estimate Letter, as well as a check for the escrow amount of \$2,000 in the mail today.

The estimate of \$10.1K to complete all of needed the make-ready using a single contractor is much more in line with what it should cost to get a pole line ready for fiber construction. Please start the make-ready construction process. I would appreciate an estimated date of completion so that I can have a construction crew ready to install the fiber once the make-ready is completed.

I also received the spreadsheets that you sent me on February 2, 2002. While it represented enough information for Cavalier to understand and concur with the proposed make ready, it was not in a format that I thought our companies' agreed upon. Specifically, I recall that we were to use a spreadsheet that identified each pole, with places to document the status of each attachment at three different phases - engineering, construction and inspection. In short, the design, any field changes as well as any concerns that surface during the inspection would be properly defined.

In an effort to keep this effort moving in a positive direction, I have attached a suggested format for your company's consideration. Additionally, I have inputted one permit's worth of information to see how it flowed. It seems to work, but please let me know if you have any suggestions or comments.

Regarding the concern that Cox communications has about this process, I will contact them to discuss it further once we have this spreadsheet format nailed down. I believe it is key to alleviating concerns that joint users would lose control of their plant.

Matt R. Ashenden

-----Original Message-----

From: Ashenden, Matt
Sent: Wednesday, January 30, 2002 12:33 PM
To: 'Jay_Griles@dom.com'
Cc: 'kelly_mansfield@vapower.com'; Heinze, Daniel
Subject: RE: Fiber Build - Peninsula

Jay,

Since getting your voice mail this morning I found the cost letter dated January 22, 2002 from Kelly Mansfield in my incoming mail. Per your

message it is my understanding that this represents the estimated cost for a single entity to do the complete make-ready effort, but that Cavalier still needs to resolve some procedural concerns with Cox Communications. I will take action on this once the make-ready costs are approved.

Regarding the cost letter, it seems that we are circling around again on issues that I thought we had resolved. Specifically, this cost estimate does not give enough information for Cavalier engineers to conduct a field review that would determine if we concur with the proposed make-ready. As I recall, there was to be a spreadsheet that defined, on a pole by pole and attachment by attachment basis, what was called out at the engineering stage. Then as the process progressed, information would be added based on what was done by the construction crew and then what was found by the inspecting entities (attachers). In short, "Engineered", "Actual" and "Inspected".

Please forward the details associated with what is being called out at the engineering stage.

Thank-you.

Matt R. Ashenden

-----Original Message-----

From: Jay_Griles@dom.com [mailto:Jay_Griles@dom.com]
Sent: Monday, January 14, 2002 8:03 AM
To: Ashenden, Matt
Subject: Re. Fiber Build - Peninsula

Matt,

We are moving forward in our effort to release the section to which you refer below. I am meeting with some of the affected parties tomorrow (Tuesday Jan. 15th). I will contact you later this week following that meeting.

J

"Ashenden,
Matt"
(E-mail)" <jay_griles@vapower.com>
<mashenden@ca
vtel.com>
Peninsula

To: "Jay Griles - Va Power
cc:
Subject: Fiber Build -

01/02/02

07:11 PM

Jay,

This is in follow-up to our conversation about concerns that existing attachers had regarding the process of using a single make-ready contractor and what would happen if problems were encountered in the field where the contractor could not easily define an obvious attachment option.

I recommend that Cavalier be notified when such a problem is encountered.

After Cavalier has reviewed the situation, we will request participation from the proper parties to resolve it. Cavalier will accept responsibility for paying for this effort.

To see the extent of how often this is going to happen, I recommend that we take one section at a time. While in the past we requested the Jefferson to Nettles segment, time has changing this priority. If it does not represent a major set back in time, our priority is now to complete the Huntington to Harpersville segment first. If such a change would result in a notable delay in testing this process, then we will stay with the original plan.

Given that this trial seems to have lost momentum, Cavalier requests that it be put to the test and that the make-ready for this segment be completed by January 31, 2002.

Sincerely,

Matt R. Ashenden